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## Amendments to the Claims:

1-52. (Canceled).

- 53. (Previously presented) An isolated nucleic acid molecule comprising a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.
  - 54. (Previously presented) An isolated nucleic acid molecule comprising:
- a) nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:22; and
- b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.
- 55. (Previously presented) An isolated nucleic acid molecule comprising a portion of the nucleotide sequence of SEQ ID NO:52, the portion comprising a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.
- 56. (Previously presented) An isolated nucleic acid molecule comprising a portion of the nucleotide sequence of SEQ ID NO:52, the portion comprising:
- a) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:22; and
- b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.
- 57. (Currently amended) An isolated nucleic molecule comprising a nucleotide sequence encoding a polypeptide having an amino acid sequence that is at least 70% 85% identical to SEQ ID NO:23, wherein the isolated nucleic acid molecule hybridizes to the portion of SEQ ID NO:52 encoding SEQ ID NO:23 at 57°C in 0.368 M Na<sup>+</sup> and 50% formamide, and wherein the polypeptide is toxic to a nematode.

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59 58. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the nucleic acid molecule is a nematode nucleic acid molecule.

- 60 59. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the nematode is *C. elegans*.
- 61 60. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 85% identical to SEQ ID NO:23.
- 62 61. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 90% identical to SEQ ID NO:23.
- 63 62. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 95% identical to SEQ ID NO:23.
- 64 63. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 98% identical to SEQ ID NO:23.
- 65 64. (Currently amended) An isolated nucleic acid molecule encoding a fragment of a polypeptide consisting of the amino acid sequence of SEQ ID NO:23, wherein the fragment is toxic to a nematode.
  - 66 65. (Currently amended) A method for producing a polypeptide, comprising:
- (a) providing a cell harboring the isolated nucleic acid molecule of claim 53 or claim 57 operatively linked to expression control elements; and
- (b) culturing the cell under conditions in which the polypeptide encoded by the nucleic acid molecule is expressed.
- 67 <u>66</u>. (Currently amended) A recombinant vector comprising the nucleic acid molecule of claim 53 for or claim 57.

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 $68 \underline{67}$ . (Currently amended) The recombinant vector of claim  $67 \underline{66}$  wherein the vector is a plant vector.

 $69 \underline{68}$ . (Currently amended) A host cell containing the vector of claim  $67 \underline{66}$ .

 $70 \underline{69}$ . (Currently amended) The host cell of claim  $\underline{69} \underline{68}$  wherein the host cell is a plant cell.

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As requested in the Notice of Non-Compliant Amendment mailed February 17, 2006 ("the Notice"), Applicant's have corrected the status of claims 53-56. No new matter is introduced.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully sumitted,

Attorney's Docket No.: 13384-002001

Date: <u>28 F∈B 2056</u>

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